

Application No.: 10/699,808
Amendment Dated January 23, 2006
Reply to Office Action of December 21, 2005

REMARKS

In the Office Action, the Examiner has indicated that an election is required under 35 U.S.C. §121. More specifically, the Examiner has taken the present application contains three (3) variable components with patentably distinct species being claimed.

The Examiner has taken the position that applicants must elect a single disclosed combination of elements (i.e., one species of thumb pad with one species of syringe barrel and one species of urging member).

Applicants respectfully traverse the Examiner's position that no claims are generic - at least with regard to the thumb pad species and to the urging member species. For example, applicants respectfully submit that claim 1 is generic to those species. With regard to a thumb pad, claim 1 recites:

"..."

a plunger having a first end with a stopper positioned in said reservoir and a second end having a thumb pad for receiving medicament delivery pressure for causing said plunger to move within said reservoir to cause the medicament to be expelled from said reservoir;

..."

said thumb pad being configured to interact with said first retainer upon movement of said stopper to a position proximate said syringe barrel forward end to release said syringe barrel from said first retainer and enable said urging member to move said syringe

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barrel from said first position to said second position upon release
of medicament delivery pressure from said thumb pad."

Applicants respectfully submit that both thumb pads (i.e., those depicted in FIGS. 10 and 10a) are covered by claim 1. Independent claims 20 and 26 contain similar limitations.

With regard to the urging member species, applicants also respectfully traverse the Examiner's position that no claim is generic. For example, applicants respectfully submit that claim 1 is generic to that species as it recites:

"...
an urging member arranged between a portion of said hollow shield body and a portion of said syringe barrel for urging said syringe barrel from said first position toward said second position,
..."

Applicants respectfully submit the urging member depicted in FIGS. 1-10 and in FIG. 13 are covered by claim 1. Independent claims 20 and 26 contain similar limitations.

Thus, applicants respectfully submit that independent claims 1, 20 and 26 are generic to the species depicted in FIGS. 1-10, 10a and 11-13, at least with regard to the thumb pad and urging member species. In view of the comments made hereinabove, applicants respectfully request that the Examiner reconsider his position with regard to the presence of a generic claim in the present application.

Notwithstanding the points made above with regard to the presence of a generic claim in the present application, applicants respectfully elect, with traverse, the species depicted in FIGS.

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1-10, 11 and 12. Applicants further respectfully submit that claims 1-11 and 13-28 are readable thereon.

Applicants hereby authorize the Commissioner to charge the fees necessary in connection with this amendment, and any other fees necessary in connection with this application, to Deposit Account Number 02-1666.

Any questions concerning this application or amendment may be directed to the undersigned agent of applicants.

Respectfully submitted,

Dated: January 23, 2006

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